

Title 11
DEPARTMENT OF TRANSPORTATION
Subtitle 12 MOTOR VEHICLE ADMINISTRATION — LICENSING OF
BUSINESSES AND OCCUPATIONS

Notice of Proposed Action

[18-353-P]

The Administrator of the Motor Vehicle Administration proposes to amend:

- (1) Regulations **.01** and **.22** under **COMAR 11.12.01 Dealers and Salesmen**; and
- (2) Regulations **.03** and **.06** under **COMAR 11.12.02 Title Service Agents**.

Statement of Purpose

The purpose of this action is to define “service provider”, which includes a dealer, a licensed title service agent, and a qualified owner of a fleet, in order to conform regulations to existing statutory law regarding entities authorized to electronically transmit titling and registration. This action also updates office requirements for a licensed title service agent, clarifies that a surety bond for a licensed title service agent is required to be filed per business entity registered with the State Department of Assessment and Taxation, and eliminates an obsolete requirement for a surety bond.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey Sheffield, Regulations Coordinator, MVA, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through February 4, 2019. A public hearing has not been scheduled.

11.12.01 Dealers and Salesmen

Authority: Commercial Law Article, §14-1502; Transportation Article, §§12-104(b), 13-503, *13-610*, 13-621, 15-102, 15-103, 15-105, 15-107, 15-108, 15-305.1, 15-307—15-309, 15-311.1, 15-312, 15-313, 15-406, 15-408, 15-409, and 15-411; Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (13) (text unchanged)

(14) “Service provider” has the meaning stated in Transportation Article, §13-610, Annotated Code of Maryland.

.22 [Dealer Fee] *Service Provider* — Electronic Transmission of Titling and Registration Information.

A. [Dealers] *Service providers* electronically transmitting titling and registration information to the Administration as set forth by Transportation Article, §13-610, Annotated Code of Maryland, may charge the transferee of the vehicle a service fee in addition to any fees specified in Transportation Article, §15.311.1, Annotated Code of Maryland, and COMAR 11.11.05. This service fee may not exceed \$20 *per electronic transmission*.

B. Service fees charged under §A of this regulation are retained by the [dealer] *service provider* and are not forwarded to the Administration.

11.12.02 Title Service Agents

Authority: Transportation Article, §§12-104(b), 15-102, 15-103, 15-105, 15-106, 15-108, and 15-604—15-606, Annotated Code of Maryland

.03 Office Requirements.

A. —B. (text unchanged)

C. A title service agent's office shall [contain, at a minimum,] *be equipped with*:

[(1) Desk;

(2) Chair;]

[(3)] (1) [File cabinet] *A secure area for storage of State property*; and

[(4)] (2) Telephone [used specifically for] *service in the name of the* title service business.

D. Signs. A title service agent's office shall have, unless prohibited by local ordinances, a sign which shall[:

(1) Be legible from the street or highway; and

(2) Clearly] *clearly* indicate the type of business conducted at the office.

E. (text unchanged)

.06 Surety Bond.

A. An applicant for a license shall file with the Administration, *per business entity registered with the State Department of Assessment and Taxation*, acceptable evidence of a surety bond in such form as the Administration shall approve and with a surety approved by the Administration in the sum set forth in Transportation Article, §15-604, Annotated Code of Maryland.

[B. The surety bond shall include a written certificate from the bonding company listing the representatives of the title service agent who are covered by the bond.]

[C.] B. (text unchanged)

CHRISTINE NIZER
Administrator
Motor Vehicle Administration